

March 11, 2003

REGULAR SESSION

7:00 P.M.

Following a Work Session, the Regular Session was **called to order at 7:00 P.M.**, by Mayor Stone with Councilmembers Simillion, McKenna and Hart present along with City Attorney Landwehr, City Clerk Davidson, Acting City Manager Ampietro, Public Works Director Coleman, Fleet Manager MacIntosh, City Engineer Zerger, Wastewater Treatment Plant Supervisor Spore, Community Development Director Hannon, Planning Technician Stawowy, several interested citizens and the press. Mayor Pro Tem Harriman was absent, he was ill. The City Manager was out of town.

Consent Agenda

Regular Session Minutes of February 25, 2003.

Special Events Permit from Gunnison Arts Center to Use Jorgensen Park for Multiple Days for “Sundays at Seven” Program.

Intergovernmental Agreement with Gunnison County for Undesirable Weed Management.

Mayor Stone read the items on the Consent Agenda and explained the Consent Agenda is a group of items, which Council has already reviewed, to be acted on with a single motion or vote. The Mayor asked if any citizen or Councilmember wished to have any specific item removed from the Consent Agenda and discussed separately. No one requested removal of an item.

Councilmember Hart moved and Councilmember McKenna seconded the motion to approve the Consent Agenda as submitted.

Roll call vote, yes: Simillion, Stone, McKenna, Hart. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Award 2003 Street Improvements Project Site Preparation Bid to Schmalz Construction in the Amount of \$136,391.63. Public Works Director Coleman came forward to answer any questions that Council had that were not answered in the Work Session prior to the Regular Session. There were no further questions.

Councilmember Simillion moved and Councilmember Hart seconded the motion to award the 2003 Street Improvements Project Site Preparation Bid to Schmalz Construction in the amount of \$136,391.63 and to authorize the Mayor’s signature on the contract.

Roll call vote, yes: Stone, McKenna, Hart, Simillion. So carried.

Roll call vote, no: None.

Award 2003 Street Improvements Project Paving Bid to United Companies in the Amount of \$195,400.00. Public Works Director Coleman came forward to answer any questions that Council had that were not answered in the Work Session prior to the Regular Session. There were no further questions.

Councilmember McKenna moved and Councilmember Hart seconded the motion to award the 2003 Street Improvements Project Paving Bid to United Companies in the amount of \$195,400.00 and to authorize the Mayor’s signature on the contract.

Roll call vote, yes: McKenna, Hart, Simillion, Stone. So carried.

Roll call vote, no: None.

Purchase of Used 1999 Mack CL 600 Dump Truck from Adventure Trucking in the Amount of \$58,900.00. Councilmember McKenna asked Public Works Director Coleman to explain about the Stellar Hook assembly unit. Director Coleman explained the assembly is needed to load/unload and secure the sludge dewatering box to the truck. The assembly is estimated to cost \$28,000.00. Staff is recommending the Wastewater Plant generator purchase be deferred

so that the used dump truck with the Stellar Hook assembly can be purchased in 2003. Both Fleet and Wastewater personnel have inspected the truck and have found the truck is in excellent condition, both physically and mechanically.

Councilmember Simillion moved and Councilmember McKenna seconded the motion to authorize the purchase of a used 1999 Mack CL 600 dump truck from Adventure Trucking in the amount of \$58,900.00, authorize the Mayor to sign the contract and instruct staff to expend \$28,000.00 for the purchase of the Stellar Hook assembly unit for the dump truck.

Roll call vote, yes: Hart, Simillion, Stone, McKenna. So carried.
Roll call vote, no: None.

License Agreement Application from Gunnison Arts Center to Place a Fence on City Right-of-Way. Community Development Technician Stawowy came forward along with Ashley King, Director of the Gunnison Arts Center. CD Tech Stawowy reviewed the license agreement application to place a wooden fence on City right-of-way. Staff is recommending approval of the application with the following conditions: The Gunnison Arts Center agrees to maintain all improvements made to the right-of-way; The installation of fence panels will be limited to areas where asphalt will be removed and no concrete sidewalk will be removed; The minimum distance of 4 feet will remain between the fence panels and the tree wells; and The License Agreement only pertains to the fence. The directional/informational plaque cannot be displayed on the fence.

Councilmember Simillion moved and Councilmember Hart seconded the motion to approve the License Agreement Application from the Gunnison Arts Center to place a fence on City Right-of-way with the conditions outlined in the staff recommendation.

Mayor Stone asked Arts Center representative Ashley King if the Center is aware of and will comply with the Staff recommendation conditions. Ms. King replied they are aware of and do not have a problem with the conditions.

Roll call vote, yes: Simillion, Stone, McKenna, Hart. So carried.
Roll call vote, no: None.

Acceptance of Written Plan for Mail Ballot Election for Municipal Election on May 13, 2003. City Clerk Davidson informed Council they had received in their packets a copy of the written plan and calendar to conduct the Regular Municipal Election on May 13, 2003, as a mail ballot election. The written plan is required by Colorado Statute to be submitted to the Colorado Secretary of State for approval.

Councilmember Simillion moved and Councilmember McKenna seconded the motion to accept the written plan for the mail ballot election for the Municipal Election on May 13, 2003.

Roll call vote, yes: Stone, McKenna, Hart, Simillion. So carried.
Roll call vote, no: None.

Multi-Day Special Events Permit for Peace Vigil Held Every Friday in IOOF Park. Parks & Recreation Director Ampietro informed Council a group of citizens has been and wants to continue holding a Peace Vigil, every Friday at noon at the IOOF Park. There have been no problems with the gathering to date. Director Ampietro stated City Staff has reviewed and approved the application but since it is a multi-day event, the application requires Council's review and approval.

Councilmember Hart moved and Councilmember McKenna seconded the motion to approve the multi-day Special Events Permit for the Peace Vigil held every Friday at noon in the IOOF Park.

Roll call vote, yes: McKenna, Hart, Simillion, Stone. So carried.
Roll call vote, no: None.

Letter in Support of State's Energy Impact Fund. Mayor Stone explained the letter is to the State Department of Local Affairs (DOLA) to express the City's concerns regarding recent recommendations from the Minerals, Energy and Geology Policy Advisory Board that would penalize counties that are perceived as unfriendly to the mineral and energy industry by limiting their funding allocations through the State's Energy and Mineral Impact Fund. Gunnison County is one of those counties. If council approves the letter and each Councilmember signs it, the County Manager will take the letter to the DOLA meeting on Thursday in Denver.

Councilmember Simillion moved and Councilmember McKenna seconded the motion to approve the Letter to the Department of Local Affairs and to have each Councilmember sign the letter.

Roll call vote, yes: Hart, Simillion, Stone, McKenna. So carried.
Roll call vote, no: None.

Mayor Stone and Councilmembers McKenna and Simillion stated it was a very good letter.

Ordinance and Resolutions:

Resolution No. 2, Series 2003; Re: Referring a Ballot Question Authorizing the Sale and Conveyance of Real Property to the Electors at the Regular Municipal Election on May 13, 2003.

Councilmember McKenna introduced Resolution No. 2, Series 2003, and it was read by title only by the City Attorney.

Councilmember Simillion moved and Councilmember Hart seconded the motion that Resolution No. 2, Series 2003, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REFERRING A BALLOT QUESTION AUTHORIZING THE SALE AND CONVEYANCE OF REAL PROPERTY TO THE ELIGIBLE ELECTORS OF THE CITY OF GUNNISON AT THE CITY OF GUNNISON REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 13, 2003**, be introduced, read, passed and adopted this 11th day of March, 2003.

Roll call vote, yes: Simillion, Stone, McKenna, Hart. So carried.
Roll call vote, no: None.

Resolution No. 3, Series 2003; Re: Acceptance of Power Contract Extension with Municipal Energy Agency of Nebraska.

Mayor Stone recused himself from this agenda item because he works for a company that was included in the contract extension analysis. In Mayor Pro Tem Harriman's absence, Councilmember Simillion took control of the meeting.

Councilmember Hart introduced Resolution No. 3, Series 2003, and it was read by title only by the City Attorney.

Councilmember Hart moved and Councilmember McKenna seconded the motion that Resolution No. 3, Series 2003, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AN AMENDMENT TO THE TOTAL POWER REQUIREMENTS PURCHASE AGREEMENT BETWEEN THE CITY OF GUNNISON AND THE MUNICIPAL ENERGY AGENCY OF NEBRASKA REGARDING THE PURCHASE OF ADDITIONAL ELECTRICAL GENERATING CAPACITY, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SUCH AMENDMENT**, be introduced, read, passed and adopted this 11th day of March, 2003.

Roll call vote, yes: McKenna, Hart, Simillion. So carried.
Roll call vote, no: None.

Mayor Stone returned to the meeting.

March 11, 2003

Page Four

City Attorney: Proposed Amendment to 1968 Agreement Between the City of Gunnison and the Community Church of Gunnison.

City Attorney Landwehr explained to Council that the 1968 Agreement between the City of Gunnison and the Community Church of Gunnison stated that “the City of Gunnison agrees to reconvey without consideration, the aforesaid property to The Community Church of Gunnison, Colorado, at such time as the building situate thereon is no longer used for the purposes originally intended”. In meeting with the Church, the congregation has agreed to pay the City \$250,000 for Webster Hall should the voters approve the sale of the property in the Regular Municipal Election on May 13, 2003. The proposed Amendment before Council this evening amends the 1968 Agreement to allow for the payment. Should the voters not approve the sale of City, then the provisions of the 1968 Agreement will be in effect. The Community Church of Gunnison has agreed to and has signed the proposed Amendment.

Councilmember McKenna moved and Councilmember Hart seconded the motion to approve the proposed Amendment to the 1968 Agreement between the City of Gunnison and the Community Church of Gunnison.

Roll call vote, yes: Hart, Simillion, Stone, McKenna. So carried.

Roll call vote, no: None.

Mayor Stone thanked the City Attorney for all of his work on the Amendment.

City Manager: The City Manager was out of town.

Acting City Manager: Parks & Recreation Director Ampietro: Reported the Spring recreation programs information will be available tomorrow. The information is also on the City’s recreation website. They lost the ice last week so the hockey season is over. Hockey season was just a few days less than last year. He will give his semi-annual departmental report at the Regular Session on March 25th.

City Clerk Davidson: Informed Council the Youth City Council has finalized their grant recipients for the El Pomar Foundation grant. The students also conducted a voter registration program at the high school last week and registered over a third of the senior class. City Clerk Davidson informed Council she will be out of town next week on vacation, and Deputy City Clerk Meehan will attend the meeting.

Non-Scheduled Citizens:

Melissa Giacchino, with the Crested Butte Land Trust, came forward and asked Council for a letter of support for the Peanut Mine reclamation project. Council had this evening received a copy of a draft letter of support. Peanut Mine, Inc., is applying for a \$200,000 Brownfields grant from the Environmental Protection Agency. The money will be used to clean up the mine and mill tailings at the Peanut Mine Site. Mayor Stone asked for clarification on where Peanut Mine, Inc., was getting their money. Ms. Giacchino stated they are receiving \$200,000 from the Colorado Energy Impact Assistance Fund for property acquisition and purchase, the Crested Butte Land Preservation Board is granting \$50,000 toward the purchase of the property but not for clean up, the Gunnison County Land Preservation Board is being asked to grant funds and private donors are giving money.

Councilmember Simillion moved and Councilmember Hart seconded the motion to approve the letter of support to the U.S. Environmental Protection Agency for the Peanut Mine, Inc., clean up of the Peanut Mine and Mill site and to authorize the Mayor’s signature on the letter.

Roll call vote, yes: Simillion, Stone, McKenna, Hart. So carried.

Roll call vote, no: None.

Ashley King, Director of the Gunnison Center for the Arts, came forward and thanked Council for approving both the License Agreement for the Arts Center and the Sundays at Seven event permit. She then invited Council to several up-coming Arts Center events including the annual “Sonofagunn” production. The performances are all sold out and they are adding a Saturday

Regular Session Minutes

March 11, 2003

matinee performance. Mayor Stone asked Ms. King if the Special Events permit process for multi-day events was difficult. Ms. King stated it was not painful. The Mayor thanked Ms. King.

General Discussion/Items for Work Sessions:

Councilmembers Hart: Report on Customer Service Work Team Meeting of March 6, 2003.

Councilmember Hart reported five nominations were received for the February ESP employee award. They were: Beverly Seidel, Travis Schulte, Keith Robinson, the NSO team and the Streets and Alleys crew. Travis and Keith were chosen to receive the awards. CityFest customer giveaways are being designed. The community fundraiser event, the “June Jaunt”, will be held on Thursday evening, June 26, and will start at the Meadows Park. The Spanish classes are progressing nicely, with many good comments from the employees.

Councilmember Simillion: Nothing to report.

Councilmember McKenna: Reported he will be attending the Regional Transportation Authority meeting this Friday, March 14, at 8:00 A.M., in the County Commissioners Room at the Courthouse.

Mayor Stone: Reported he attended the Tourism Advisory Board meeting today in Almont. The Chambers are working toward a merger, the Marketing Director position is being advertised, the branding study will be in the field in the next few weeks and will target approximately 25,000 e-mail sites. The Tourism Association Board ballots are out and are due back April 12. The new board should be seated the first week of May. The Tourism Association borrowed \$500,000 from Gunnison County, through a “TAN” to start up operations. It is at a very low interest rate. Both Crested Butte and Mt. Crested Butte are examining ways of amending their BOLT to provide incentives to join the Tourism Association. The Tourism Association will report directly to the County and will be reviewed annually for productivity. In addition, the Board will provide updates to the municipalities as well.

Adjourned: 7:35 P.M.

Mayor

City Clerk